



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Eric B. CUMMINGS et al.

Confirmation No.: 7488

Serial No.: 09/870,391

Group Art Unit: 2876

Filing Date: May 30, 2001

Examiner: Uyen Chau N. LE

Title: SELF-REGISTERING SPREAD-SPECTRUM BARCODE METHOD

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
Mail Stop ISSUE FEE  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is response to the Examiner's Statement of Reasons for Allowance accompanying the Notice of Allowability mailed March 8, 2004 in the above-identified patent application.

The Examiner has stated that the claims are directed to a two-dimensional barcode, particularly to a spread-spectrum barcode that allows the barcode to be read in its entirety even if some parts of the barcode are obscured.

The Examiner then goes on to state that the cited references fail to teach particular methods wherein the code recognizes the texture and pattern of fiducial data, and the fiducial data further modulated with its own pseudo-random kernel. In addition, the Examiner states that "[t]he method further discloses demodulating the source data utilizing two different (but related) pseudo-random kernels more than once as set forth in the claims."

Applicants submit that neither of the allowed independent claims, i.e., claims 1 and 11, recite "fiducial signature," "demodulation," or a "secondary pseudo-random kernel." Instead, these elements appear only in selected dependent claims, e.g., claims 2, 3, 10. Thus, Applicants submit that these are not required elements of the invention as recited in the independent claims,

and that the patentability of the independent claims does not depend on any claim construction requiring importation of these elements.

Respectfully submitted,

By: Shelley P. Eberle  
Shelley P. Eberle  
Registration No. 31,411

REED & EBERLE LLP  
800 Menlo Avenue, Suite 210  
Menlo Park, California 94025  
(650) 330-0900 Telephone  
(650) 330-0980 Facsimile

f:\document\8200\0007\statement on reason for allowance.doc

01PE  
APR 29 2004  
PATENT & TRADEMARK

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/870,391	
	Filing Date	May 30, 2001	
	First Named Inventor	Eric B. Cummings	
	Art Unit	2876	
	Examiner Name	Ahshik Kim	
Mail Stop	Issue Fee	Attorney Docket Number	8200-0007

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> <b>Fee(s) due</b> <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> <b>Check for \$1660.00</b> <input checked="" type="checkbox"/> <b>Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580</b> <input checked="" type="checkbox"/> <b>Return postcard</b> <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b><u>Issue Fee Transmittal;</u></b> <b><u>Comments on Statement of Reasons for Allowance</u></b>
<b>Remarks:</b> <b>The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 18-0580.</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name (print/type)	Shelley P. Eberle, Reg. No. 31,411 Reed & Eberle LLP	Telephone	(650) 330-0900
Signature	<i>Shelley P. Eberle</i>	Date	April 27, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Name (print/type)	Joe Clark	Date	April 27, 2004
Signature	<i>Joe Clark</i>		